

## How Louie the Goldfish Is Teaching People to Think Like a Judge

The Missouri legislature has enacted a law stipulating that in apartment buildings in St. Louis, the landlord may evict a tenant who has a pet.

A tenant, we'll call him Mr. Smith, asks his landlord to come repair a leaking kitchen faucet. The landlord arrives and sees a glass bowl on the kitchen table. In the glass bowl is a goldfish named Louie.



Now the landlord likes Mr. Smith, but he doesn't want any pets. He tells Mr. Smith about the no-pets law and gives Mr. Smith a choice:

1) get rid of the fish and stay; or 2) keep the fish and leave the apartment for good.

Mr. Smith tells the landlord he likes the fish. The fish's name is Louie and he's a good companion. Mr. Smith thinks it's silly to have to move because he owns a fish. He tells the landlord there's a third alternative, and it is the one which he is going to take. He's keeping the fish and the apartment.

What happens when two people can't settle a dispute on their own?

The landlord brings his action in the trial court. In Missouri, the trial court is the circuit court.

### **The Trial: Landlord v. Mr. Smith**

The landlord takes the stand, is sworn to tell the truth, and he tells the court about finding Louie. And then Mr. Smith takes the stand, is sworn to tell the truth, and he describes Louie. He also has a letter from all of his neighbors in the building saying that they have no objections to Louie— they didn't even know Louie was in the building.

And that's the sum total of the testimony. No one disputes the facts.

The judge takes the case under advisement and tells the parties she'll render her decision in a week

## **The Decision**

The judge is alone. She has no one to talk to about Louie. The judge has to wrestle with the problem herself.

What's the issue the judge has to decide? (whether to evict the tenant)

Yes, but to decide that issue what must the judge first figure out? (whether a goldfish is a pet)

What we're doing here is trying to interpret the Missouri law; figuring out what the lawmakers intended when they wrote the no-pets law. Did they intend for a goldfish like Louie to be considered a pet – like a dog or a cat? What do you think?

Some landlords don't like dogs because dogs bark and bother the neighbors. They don't like cats because cats scratch up the walls and carpet. This is why the law was created – so landlords can say “no pets” if they want to.

Obviously, Louie can't bark or bite or scratch, so should the law apply to him?

What if Louie's fish tank gets knocked off the table and breaks and water goes spilling into the apartment below? Or what if Mr. Smith doesn't clean the tank like he suppose to and it starts to smell bad?

Maybe Louie should be considered a pet like a dog that barks and a cat that scratches.

How many of you think that lawmakers in Jefferson City intended the word “pet” in this law to include a goldfish and that Louie must be evicted ?

How many of you think that the legislature intended that the word pet in this law not include a goldfish and that Mr. Smith and Louie should be allowed to stay?

*Discuss why the students reached the decisions they reached.*